

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARLO ANTONIO DEL CONTE,

Plaintiff,

v.

THE STATE OF CALIFORNIA, et al.,

Defendants.

Case No. [15-cv-04077-WHO](#) (PR)

**ORDER OF DISMISSAL**

Plaintiff Del Conte has not filed an amended complaint by the deadline, which I have extended twice: once on his motion, and once on my own. Dkt. Nos. 10 and 13. I indicated in the last Order Extending Time that it was highly unlikely that I would allow a further extension. Having received nothing from the plaintiff since then, this federal civil rights action is **DISMISSED** without prejudice for failing to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, Del Conte may move to reopen the action. Any such motion **must** contain an amended complaint that comports with the requirements set forth in the Order Dismissing the Complaint with Leave to Amend (Docket No. 7). The Clerk shall enter judgment in favor of defendants, and close the file.

**IT IS SO ORDERED.**

**Dated:** March 1, 2016

  
WILLIAM H. ORRICK  
United States District Judge